

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12230 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the concerned : NO  
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

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HARI SEVA GIRLS HIGH SCHOOL

Versus

DISTRICT EDUCATION OFFICER  
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Appearance:

1. Special Civil Application No. 12230 of 2003  
MR BAIJU JOSHI for Petitioner No. 1  
MR HD DAVE, Ld. AGP for Respondent No. 1  
RULE SERVED for Respondent No. 1-3  
MR AD OZA for Respondent No. 2  
MR ASPI M KAPADIA for Respondent No. 3
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CORAM : HON'BLE MR.JUSTICE JAYANT PATEL

Date of decision: 21/07/2004

ORAL JUDGEMENT

Mr.Joshi, learned Counsel for the petitioner, states that without prejudice to the rights and contentions in this petition, the petitioner has moved the application to the authority for granting permission for co-education and since the said application is pending, he does not press this petition at this stage. However, he states that in case the application is rejected, liberty may be reserved to the petitioner to raise all the contentions, including the contentions which are raised in this petition, as and when such circumstances so arise.

2. Mr.Kapadia, learned Counsel appearing for Respondent No.3 School states that they have filed objections to the said application.

3. Considering the above, the petitioner is permitted to withdraw this petition. However, in case the decision is against the petitioner, it will be open to the petitioner to raise all the contentions available under the law, including the contentions which are raised in this petition. While granting permission for withdrawal it is clarified that unless it is expressly permitted by the authority for co-education, the petitioner shall not admit any boy student in the school. Subject to the aforesaid direction Rule discharged. No order as to cost.

21-7-2004 (Jayant Patel, J.)

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